

**Introduced by Senator Morrow**

(Principal coauthors: Assembly Members Granlund and Oller)

(Coauthors: Assembly Members Cardoza and Ducheny)

February 26, 1999

An act to repeal Section 27803 of the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1197, as introduced, Morrow. Motorcycles: helmets.

Under existing law, it is unlawful for any person to operate a motorcycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet. Existing law also makes it unlawful to ride as a passenger on a motorcycle if the driver or any passenger is not wearing a safety helmet.

This bill would repeal these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27803 of the Vehicle Code is  
2 repealed.  
3 ~~27803. (a) A driver and any passenger shall wear a~~  
4 ~~safety helmet meeting requirements established~~  
5 ~~pursuant to Section 27802 when riding on a motorcycle,~~  
6 ~~motor-driven cycle, or motorized bicycle.~~

~~(b) It is unlawful to operate a motoreycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).~~

~~(c) It is unlawful to ride as a passenger on a motoreycle, motor-driven cycles, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).~~

~~(d) This section applies to persons who are riding on motoreycles, motor-driven cycles, or motorized bicycles operated on the highways.~~

~~(e) For the purposes of this section, “wear a safety helmet” or “wearing a safety helmet” means having a safety helmet meeting the requirements of Section 27802 on the person’s head that is fastened with the helmet straps and that is of a size that fits the wearing person’s head securely without excessive lateral or vertical movement.~~

~~(f) This section does not apply to a person operating, or riding as a passenger in, a fully enclosed three-wheeled motor vehicle that is not less than seven feet in length and not less than four feet in width, and has an unladen weight of 900 pounds or more, if the vehicle meets or exceeds all of the requirements of this code, the Federal Motor Vehicle Safety Standards, and the rules and regulations adopted by the United States Department of Transportation and the National Highway Traffic Safety Administration.~~

~~(g) In enacting this section, it is the intent of the Legislature to ensure that all persons are provided with an additional safety benefit while operating or riding a motoreycle, motor-driven cycle, or motorized bicycle.~~